

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA	§	
	§	
v.	§	CRIMINAL ACTION NO. 4:15-CR-101-
	§	ALM-CAN
JASON SHANE FLOWERS (1)	§	

**REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Now before the Court is the request for revocation of Defendant Jason Shane Flowers's ("Defendant") supervised release. This matter was referred to the Court for a report and recommendation, and the Court conducted a hearing on March 27, 2023, to determine whether Defendant violated his supervised release. Defendant was represented by Douglas Schopmeyer of the Federal Public Defender's Office. The Government was represented by Assistant United States Attorney Maureen Smith.

Defendant was sentenced on April 14, 2016, before The Honorable Amos L. Mazzant, III of the Eastern District of Texas after pleading guilty to the offense of Conspiracy to Possess with Intent to Manufacture and Distribute Methamphetamine, a Class B felony. This offense carried a statutory minimum of 5 years and a maximum imprisonment term of 40 years. The guideline imprisonment range, based on a total offense level of 31 and a criminal history category of VI, was 188 to 235 months. Defendant was subsequently sentenced to 130 months imprisonment followed by 5 years supervised release subject to the standard conditions of release, plus special conditions to include financial disclosure, and substance abuse and mental health treatment. On February 13, 2023, Defendant completed his period of imprisonment and began service of the supervision term in the Eastern District of Texas.

On March 14, 2023, the United States Probation Officer executed a Petition for Warrant or Summons for Offender Under Supervision [Dkt. 199, Sealed]. The Petition asserts that Defendant violated three (3) conditions of supervision, as follows: (1) The defendant shall not commit another federal, state, or local crime; (2) The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician; and (3) The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer [Dkt. 199 at 1-2, Sealed].

The Petition alleges that Defendant committed the following acts: (1) On or about March 4, 2023, Defendant was arrested by an officer with the Little Rock, Arkansas, Police Department, after his girlfriend, Krisa Durham, reported he assaulted her. Ms. Durham stated she came home from work to find Defendant intoxicated. He accused her of cheating and began slapping her, throwing her against the wall, grabbing her neck, and he also bit her nose. Ms. Durham reported the assault lasted, off and on, for more than five hours, and that Defendant threatened to kill her if she tried to leave. She was finally able to leave the residence when Defendant fell asleep. Responding officers observed scratches and Ms. Durham's ear and nose, bruising on her left thigh, and a knot on her forehead. When questioned, Defendant stated he was drunk and did not remember what happened. Consequently, Defendant was arrested and charged with Domestic Battering 3rd Degree and Terroristic Threat, which are pending in the Pulaski County, Arkansas, District Court, under Case Number CR-23-956; (2) On March 4, 2023, Defendant physically assaulted his girlfriend, Krisa Durham. Ms. Durham reported Defendant was intoxicated at the time of the assault. He verified her statement by informing officers that he was drunk and could

not remember what happened; and (3) At the time of the alleged violation, Defendant was associating with Krisa Durham, who has multiple felony convictions, and with whom he was not authorized to associate with by his probation officer [Dkt. 199 at 1-2, Sealed].

Prior to the Government putting on its case, Defendant entered a plea of true to each of the allegations in the Petition. Having considered the Petition and the plea of true to each of allegations 1, 2, and 3, the Court finds that Defendant did violate his conditions of supervised release.

Defendant waived his right to allocute before the District Judge and his right to object to the report and recommendation of this Court [Dkts. 208; 209].

RECOMMENDATION

Pursuant to the Sentencing Reform Act of 1984, the Court recommends that Defendant's supervised release be revoked and that he be committed to the custody of the Bureau of Prisons to be imprisoned for an additional term of imprisonment of ten (10) months, with three (3) years of supervised release to follow.

The Court further recommends imposition or reimposition of the following special conditions: (1) You must provide the probation officer with access to any requested financial information for purposes of monitoring his efforts to obtain and maintain lawful employment; (2) You must not illegally possess a controlled substance, and shall refrain from any unlawful use of a controlled substance; (3) You must participate in a program of testing and treatment for drug abuse, and follow the rules and regulations of that program until discharged. The probation officer, in consultation with the treatment provider, will supervise your participation in the program. You must pay any cost associated with treatment and testing; (4) You must participate in a program of testing and treatment for alcohol abuse, and follow the rules and regulations of that program until discharged. The probation officer, in consultation with the treatment provider, will supervise your

participation in the program. You must pay any cost associated with treatment and testing; and
(5) You must refrain from alcohol consumption.

The Court also recommends that Defendant be housed in the Bureau of Prisons facility in
Texarkana, Texas, if appropriate.

SIGNED this 26th day of April, 2023.

A handwritten signature in black ink, appearing to read 'C.A. Nowak', is written above a horizontal line.

Christine A. Nowak
UNITED STATES MAGISTRATE JUDGE